Edn. & Pub. Health

(194 /) Department

MS. SERIES.

G.O. No 2301 - P.H.

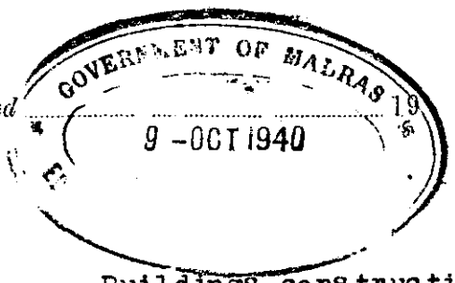
13

Dated 31 - 5 - 1941.

[Despatch Abstract.]

Building Rules - Hospet Municipality - Srimathy Jammavva - Rules 8, 24(1) and 24(3) - Exemption from - Granted.

Municipal DEPARTMENT.



Received 19

41565

Registered 19

Subject.

Buildings-construction of-exemption under section 192 of the District Municipalities Act from the operation of building rules in G.O.No. 1621 P.H. dated 30-7-1932- of store house-order of Government applied.

ENCLOSURES.
No. Two.
Spare copies

C.P. No. 319/39

Station Hospet, Dated the 30-9- 1940

From (Name) Sri.N.G.Reddy,B.A.,(Cantab)

(Designation) Commissioner,Hospet Municipality,
Hospet.

To The Secretary to the Government of Madras,
Education and Public Health Department.
MADRAS.

Through,
Sir,
The Chairman,M.C.
Hospet.

Reference:-Application C.P. 319-39.dated 3-6-39 for construction of building in vacant site attached to D.No. 825/6 of Kurubakeri from Srimathi Jambavva-resolution No.353 dated 31-8-40 of the Municipal Council on the file of papers ending with confirmation orders for demolition of the unauthorised construction in C.P. 319-39 dated 18-1-40

Forwarded
7.10.40
Chairman M.C.
Hospet

In inviting the attention of the Government to the enclosed copies of the Resolution 353 of the Municipal Council dated 31-8-40, I submit as under:-

On 3-6-39 Srimathi Jambavva wife of Adivappa of D.No. 825/6 of Kurubakeri of this place, applied for

P.T.O.

permission to construct a building measuring 16½' x 9½' on her site the extent of which is 24' x 16½' according to the draft plans submitted. Permission was refused to construct the building in C.P; No.319-39 dated 1-7-39 served on the party on 29-7-39, mainly that it is not in accordance with rules 8 and 24 of the building rules in G.O.No. 1621 P.H., dated 30-7-1932. The party in contravention of the orders completed the construction even though she was fined by the Bench Court to a fine of Rs. 1/- on 31-8-39 and annas 4 on 25-9-39 for the offences under section 199 and 317 of the District Municipalities Act. Action under section 216 District Municipalities Act was further taken, vide orders C.P. No.319-39 dated 7-11-39 and 18-1-40. The party in a petition to the Chairman dated 8-2-40 appealed praying that the rules may not be insisted in her case, as the building is not for dwelling purposes but for use as a store-house and that the rules 8 and 24, if rigidly applied, will work as a real and individual hardship when the site available is small and limited.

The Chairman inspected the site on 27-5-40 and is of the opinion that the building is used as store house, that the applicant was not living there and that the case may therefore be recommended to the Government for consideration to which the Council in the resolution has agreed.

Except in the appeal to the Chairman, the party in her original application or subsequent replies to the orders issued had not put forth the plea that the building was not intended for dwelling purposes. If the building is not to be used for living purposes or for work referred to in G.O. No. 3207 dated 23-11-1937, it requires the consideration of the Government for exemption from operation of the building rules of G.O.No. 1621 P.H. dated 30-7-32.

The site measures 24' x 16½' = 396 square feet. It is also located at the junction of two lanes which are not of great importance to the public or for vehiclular traffic but serve only as a means of the thorough-fare for

P.T.O.

pedestrians. The available space for the building will be reduced to an unmanageble size and to the detriment and convenient use, if rules 8 and 24 are applied from the ~~apara~~ ~~protion~~ Portion abutting the lane on the west, as the building site will then work to 48 square feet and to 160 square feet if it were to be from the abutting lane at the south. The nature of the site is such that she cannot have the benefit of using the remaining area after setting apart 1/3rd area open as under rule 24(3). This is no doubt a case of real and individual hardship if rules 8 and 24 are applied as the site is of limited extent and size but it could not be helped by me, as the rules are mandatory.

In status the party is a poor woman making out her living as a petty ~~gooery~~ grocery dealer in the local saturday shandy. The site is also located in the oldest part of the town where the agricultural and poor population live. The file has now come to the stage for issue of orders for demolition under section 338 and 339.

I, therefore, request that the Government will be pleased to consider, and if deemed fit, grant exemption from the operation of the rules in this case under section 192 District Municipalities Act and rule 108 of G.O.No.4654 dated 18-12-39. The file C.P. 319/39 of 50 pages is herewith submitted, it may be returned after done with.

M.G. Rose 4/10/40.

SB/30-9. Commissioner.

1/10/40.

Copy of the Council Resolution No. 353/31-8-40.

Read:-Appeal petition dated 8-2-40 of Srimathi Jambavva requesting permission for the construction of room in III ward.

2) Remarks of the Health Officer dated 28-2-40 and the remarks of the Commissioner and chairman there on dated 13-3-40 and 27-6-40 respectively.

Resolution:- This case is recommended for the consideration of the Government as it is used as a shop and not for living purposes.

Sd.M.V.Swamy,
Chairman,M.C.

(True copy)

Commissioner.

29
1411

Edn. & P.H. Dept. (7)

Memo No. 41565-1-E.P.H Dated 12.10.40.

C.No. 41565 From the Commissioner, Hospet
Municipality No. 319/39 dated 30.9.40

Buildings - Rules - Hospet
Municipality - Srimati Tambavva
Relaxation.

Referred to the Director of Town Planning for remarks.

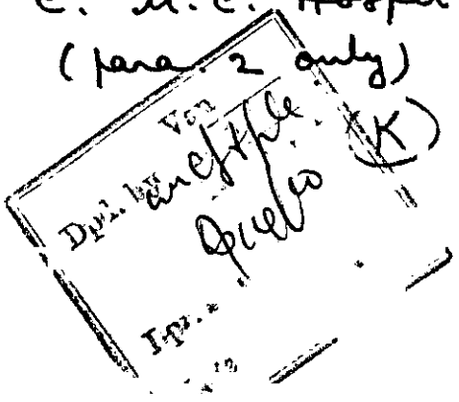
2. The comr. of the Hospet municipality is requested to submit cases of this kind through the D.T.P. His attention is, in this connection, invited to para. 2 of G.O. no. 189 S-P.H. dated 7.5.40.

SRy
12.10.40

To

ml. file &
The D.T.P. (with c.f. in original to be returned with reply)

The comr. of the Hospet municipality through the C.M.C. Hospet (para. 2 only)



Ry
11.10.40.

11/10

16.11.40.
Reminder
16.11.40
17.12.40

Town Planning DEPARTMENT.

In reply, please quote number, date and short title of this document

Received 12 NOV 1940

Registered

From (Name) S. Ranganathan, Esq., O.B.E., I.C.S.,

(Designation) Ex-Officio Director of Town Planning,

Post Box _____, (Station) Madras.

Telegraphic Address E & P.H. Dept (7)

The D. T. P. may be reminded on 13.12.40 if necessary.

13.11.40.

13.11.40.

13.11.40.

To 46523

The Commissioner,
Hospet Municipality.

DTP. No. 3007/40., dated 11--11--1940.

Sir,

Enclosures _____

Spare Copies _____

Sub: Building - Rules - Hospet Municipality - Srimathi Jambavva - Relaxation.

Ref: Your No.319/39 dated 30-9-40 to Government, & Govt. Memo.No.41505-1-F. P.H., d 12-10-40.

Please furnish this office the following information with plans at an early date.--

(1) What are the widths of the lanes or streets abutting the site and the dimensions of spaces left around the building?

(2) Whether the building is in an extension area of the town or within the existing built up area.

(3) Whether the building is eligible under the new non-extension area rules published with G.O.No.1854 P.H dated 4-5-40, and

(4) A correct site and building plans giving all the information required under rules 78 & 80 of the old Building Rules.

The connected municipal file is herewith returned for resubmission with the above information and plans.

R.D.N.Simham,

for Ex-Officio Director of
Town Planning, Madras.

Copy forwarded to Government for favour of information with reference to their Memo. No. 41565-1-F. P.H., dated 12-10-40.

R.D.N.Simham.

for Ex-Officio Director of
Town Planning, Madras.

ve.11/11

D.T.P. No. 2258/60.

20.12.60

C.F. 98.

E & P.H. Department.

Section Branch.

REMINDER OF M[illegible] GOVERNMENT 20 1940

To The D.T.P. Madras

To The Director of Town Planning MADRAS 17 DEC 1960

To The Under Secretary to Govt. Mlby

I have the honour to invite ~~am directed to invite~~ attention to Memo No 41565-1/PH/60 dated 22.10.40. and

No. ~~24165-1/PH/40~~

~~to request that the reply to it may be expedited~~ request that this reminder may be returned ~~at once~~ with information as to—

(1) the stage at which the matter now is, and

(2) the date by which a reply may be expected, ~~and~~

~~(3) the circumstances which have caused the delay.~~

Office E & P.H. Sectt

Station Fort St George

Dated 17/12/60

S.N. Kanwar

Signature

Under Secy to Govt.

Designation.

SUBJECT.

Building Rules - Hotpect - Srimathi Jambava - Relaxation

52368

Certain information has been asked for from the Commr. Hotpet. mpkg. in this office D.T.P. 3005/40 dt 16-11-40, which have not yet been received. The file will be resubmitted to Govt with the remarks of this dept. on receipt of a reply from the Comm.

Rond 19/12

Rond 19/12

Rond 19/12

c. Pt. (F) Dept.

The D.T.P may be reminded again on 4-2-1941 if no further report is received before then.

4/1/41

Memo No. 41565-2 P.H (4)
1.3.41

Building Rules –
Hospet Municipality –
Srimathi Jambavati
building – Relaxation

The D.T.P.
is requested to expedite
his reply to Memorandum
No. 41565-1 P.H Dt 12.10.40
on the above subject.

1-1-41

27.2.41.

27/2

D.T.P.

H.d dee
4.3.41

WS
1/3

Memo 41565-3 H P H Dr 7/4/41

Building Re

— Hospet Municipality
Srimathi Jambava's build
ing — Relaxation

The attention
of the D.T.P. is
invited to Memo No.
41565-1 T.P.H Dr 12.10.30
on the above subject
and he is requested
to submit his reply
to the Memo without
any further delay —

As the matter
has been pending for
a long time it is
desirable that orde
should issue urgently
in the matter.

Rd. 15/5

To
The D.T.P.

Dft sm/9/4

5-4-41.

WS
7/4

C.F. 32.

Town Planning Department

Received ..... Registered .....

From (Name) **Sri Rao Bahadur S.G.Grubb, B.A.,**
Designation **Ex-Officio Director of Town Planning,**
Station **Madras.**

To
The **Secretary to Government,**
Education & Public Health Department.

No. 1161/41 dated 20th May, 1941

Sir,

Sub: Building - Hospet - Srimathi Jambavva - Exemption building rules 8, 24(1), 24(3).

Ref: Govt.Memo.No.41565/1 F.P.H., dated 12-10-40.

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The case relates to an unauthorised construction contravening rules 8, 24(1),29(3), for which the party was prosecuted and convicted. On action being taken by the executive authority under sec. 216 of the District Municipalities Act, the party appealed to the council which recommended the case to Government for exemption on the ground that it was used as a shop and not for living purposes. The Commissioner has recommended exemption for the reasons mentioned by him in his letter dated 24-2-41.

2. The actual construction is a room 15' x 17½', the site measuring 18' x 20½'. The abutting lanes are 15½' on south and 6½ to 7¾' on west. Practically the whole site is occupied.

3. Examined in the light of the new draft rules for non-extension areas issued in G.O.1854 P.H., dated 4-5-40 the construction will contravene

rule 5(3) - (minimum site area 650 sft.)
rule 10(1)(a) - (minimum street space 24' in front
rule 10(3)(a) - (minimum rear 200 sft.)
rule 10(3)(b) - (minimum 10' rear space and

will therefore be not permissible.

4. There is no case for exemption both under the building rules of 1932 and the new draft rules for non-extension areas. It is undesirable to permit a building in such a small site which in turn abuts on very narrow lanes. It also appears that in the interests of future improvement of the locality and of health that the site of building in question should be kept vacant. The council may acquire the site and adjoining vacant land for the purposes of lane and public open space or garden.

5. Copy of letter dated 24-2-41 from the Commissioner is enclosed.

for Ex-Officio Director of
Town Planning, Madras.

Copy of letter No.H.P.319-39 dated 24-2-41 from the Commissioner Hospet Municipality, to the Director of Town Planning, Madras.

-

Sub: Building construction - Srimathi Jambavva.
Ref: Your D.T.P.3009-40 dated 11-11-40.

-

The particulars called for are furnished in the sketches enclosed herewith. The construction is in the built up area and is not eligible even under new non-extension area rules as it violates rule 5(3),10(1)a,c and 3.

(True copy)

for Ex-Officio Director of
Town Planning, Madras.

ve.21-5.

C.No. 41565/40.

Edum. & P. H. Deptt.
H. Secretariat

Read: From the Commr. Hospet Mcpty.
C.No. 319/39 dated the 30th Septr. '40
D.T.P. No. 3009/40 dt 11.11.'40
D.T.P. No. 1161/41 dt 20.5.'41

Subject:

Bldg. Rules - Hospet Mcpty.. Srimathy Jambavva - Bldg. Rules 8, 24(1) & 24(3). Exemption from.

Memo No.

The Government see no justification to exempt the building belonging to Srimathi Jambavva in the Ward Hospet from the operation of rules 8, 24(1) & 29(3) of the Bldg. Rules.

2. An extract of the remarks of the D.T.P. in his letter No. 1161/41 dt 20.5.'41 is communicated to the Commr. Hospet Mcpty.

By order & in the name of the Governor

The Commr. Hospet Mcpty.
thro' the D.C. (with the file)
D.T.P.

Note:

Note:

The A.T.P does not recommend the exemption for the reasons stated in Page 12 Cl. Attention is however invited to the Comm's letter on page 3 Cl 2 May be exempted as a spl case in view of the facts stated.

VKM 23/5

28.5.M

26/5

26/5

M. Advt. to renew Enqy

28/5

Ez P.H

A draft order is subd. below for approval.

30/5

VKM 28/5

28.5.M

29/31/5.

C.F. 16.

DRAFT FOR APPROVAL.

Edun. & P. H. Department

SUBJECT :— H Section

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

Building Rules - Hospet Mcpty. - Srimathy Jambavva - Bldg Rules, 8, 24(1) & 24(3) - Exemption from - Granted.

READ AGAIN ....., dated ..... 19.....

" " ..... " ..... 19.....

READ *ALSO* :—

C No. 41565/HPH/40 From the Comm.r Hospet Mcpty. CP, No. 319/39, dated 30-9-1940 - D01-SCF

" ..... " D. T. P. " 3009/40 " 11-11-1940 P7 CH

" 19704/HPH " D. T. P. " 1161/41 " 20-5-1941 P12 CF

Order ~~Resolution~~ Ms. No. 2301-PH dated ~~31~~ 31-5-1941.

Under rule 108-A of the Building Rules issued in G.O. No. 1621 P.H. dated the 30th July 1932, as subsequently amended, the Government are hereby pleased to exempt (as a special case) the Building belonging to Srimathi Jambavva, in the IIIrd ward Hospet Mcpty. from the operation of rules 8, 24(1) & 29(3) of the Building Rules, as a special case.

28.5.41

To

The Comm.r Hospet Mcpty. ✓

thro' the Coll (with Pay. file)

.. A. T. P. ✓